



# Hughes

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Docket Management Facility  
USCG-1998-3798\US Dept of Transportation  
Room PL 401  
400 Seventh Street SW  
Washington, DC 20590-0001

USCG-98-3798-12

Dear Sir or Madam,

We wish to comment on the NPRM "Numbering of Undocumented Barges (46 CFR Part 66, (USCG-1998-3798) RIN 2115-AF13.

Our companies own a fleet of approximately 70 deck and hopper barges operated on the East Coast of the United States. More than half of these barges are undocumented and would have to be numbered under the proposed system.

The proposed regulation calls for marking the barge with letters not less than 4" in height on "some clearly visible internal structural part of the vessel" and "at the highest part of the vessel's hull or permanent structure such that the number can be seen from both sides."

- 1) Placing a marking on "some clearly visible internal structural part of the vessel" is a waste of time. The interior of a barge is a big place. An inspector would have to spend hours looking for the number throughout the entire interior of a barge which may be filled with hazardous cargo. According to this proposal an owner could internally mark a tank barge on the floor of a cargo tank (eventually to be filled with oil) which would never be visible until the cargo was emptied.

Why not specify that the number be placed on an internal bulkhead, or shell plate, clearly visible from the ladder in the forward rake, or forward compartment? This way an inspector will know right where to look if he or she needs to find the internal marking. (We suggest that this apply to newly marked barges only. We do not propose that a new marking be required if the barge is already marked under existing regulations).

We also note that the internal marking on a documented barge need only be 3" in height. We believe that the marking on the undocumented vessel should not have to be larger than the documented vessel.

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- 2) We strongly oppose any rule which would require undocumented barges to be marked differently than documented barges. As we understand the regulations, documented barges must have the name painted bow and stern, and the homeport painted on the stern. There is no requirement for the official number to be affixed in any manner to the outside of the vessel.

If there is an overriding reason to externally mark undocumented barges differently (which we do not think can be justified) why not standardize the placement of the external marking? Marking the vessel on the highest point of a hopper barge would mean it is somewhere on the coaming. After a few years, and several paint jobs, this will be difficult to find on 1600 SF of coaming. On a deck barge there is no highest point so the marking can be anywhere on the deck, again a hard target to pinpoint. On a tank barge the highest point may be the top of a cargo boom.

Instead of on the highest point (port and starboard) why not mark the barge externally just once, on the foredeck, between the headlog and the coaming, or first bulkhead, but as close as is practical to the headlog and the centerline. This would allow the inspector to go to one place on tank, hopper or deck barges and find the marking. It would be visible from both sides and would also reduce the number of markings for the owner to install.

- 3) Part 66.20 of the rule makes reference to the tonnage of the barge. We can see no reason why the Coast Guard needs to collect information on the tonnage since that figure will not help the Coast Guard identify the vessel. Under "Collection of Information" in the "Regulatory Evaluation" section of the rulemaking (section (A) Filling Out the Application") you state that you will need the owners name and address, and the barges length, breadth, depth, year built, hull material, barge name and official number. These are all valid information items for your purposes. The tonnage serves no useful purpose.
- 4) We note that the "Cost and Benefit" portion of the regulatory evaluation does not list any direct benefit to the barge industry. We concur but believe that if the numbering system was set up to allow for liens and mortgages to be recorded on non-documented vessels there would be significant benefit to the barge industry.

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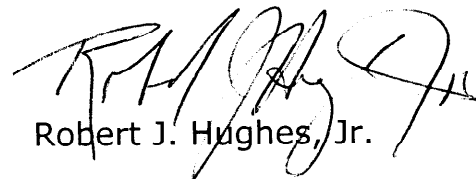
Federal regulation now provides that only documented barges may be lienied or mortgaged. We assume the practical reason for this law is the fact that the USCG Document, with a single official number, provides the sole vehicle on which mortgages and liens can be recorded. There currently is no such single source document on which liens and mortgages can be recorded if the vessel is not USCG documented.

It occurs to us that once the Numbering System for Undocumented Barges is in place there will be a single document and "official number" on which liens and mortgages can be recorded for undocumented barges. The ability to mortgage undocumented barges would be of great benefit to many owners, including Hughes Marine. We have many vessels which were built in the US and owned by previous US owners, but cannot be documented because the yards that built them are out of business, or the previous owners are dead or unreachable. Our inability to establish a "paperwork trail" of ownership and construction prohibits us from documenting, and thereby mortgaging, these barges. Implementation of the Barge Numbering Rule is the perfect opportunity to allow owners of undocumented barges to mortgage them. Only minimal language needs to be added to this rulemaking to provide for statutory changes to the existing mortgage laws.

We note that the Coast Guard Authorization Bill submitted to the 106<sup>th</sup> Congress included language to allow registering liens on all documented vessels. Why not take this a step further and allow mortgages and liens on undocumented vessels also?

Sincerely,

HUGHES BROS., INC.



Robert J. Hughes, Jr.

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